IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 13TH JUNE, 2007 / 23RD JYAISHTA, 1929

WP(C).No. 17748 of 2007(K)

PETITIONERS:

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1. KRISHNAN.K. @ UNNIKRISHNAN, AGED 44, S/O.MANY, AMBADATHU HOUSE, KALLETTUMKARA DESOM, THRISSUR DISTRICT.

2. MANIKUTTY, AGED 70, S/O.KUTTAN, KIZHUPPULLY, MURIYAD DESOM, THRISSUR DISTRICT.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS:

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1. THE DISTRICT COLLECTOR, THRISSUR, HAVING OFFICE AT COLLECTORATE, THRISSUR.

2. THE EXECUTIVE ENGINEER, P.W.D.ROAD DIVISION, TRISSUR.

3. THE STATE OF KERALA, REP. BY THE SECRETARY TO THE GOVERNMENT, REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

4. THE STATE OF KERALA, REP.BY THE SECRETARY TO THE GOVERNMENT, PUBLIC WORKS DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

5. BEENA, W/O.KIZHUPPILLY ANANDAN, MURIYADU VILLAGE DESOM, MUKUNDAPURAM TALUK, MURIYAD P.O., THRISSUR DISTRICT.

R1 TO R4 BY GOVT. PLEADER SRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C) NO. 17748 OF 2007 - K

Dated this the 13th day of June, 2007

J U D G M E N T

Heard learned counsel for the petitioners and the learned Government Pleader.

2. The petitioners challenge Exts.P5 and P6 directions whereby the petitioners have been directed to vacate the land mentioned therein which the respondents claim to be revenue puramboke and to demolish part of the building which protrudes into the revenue puramboke. The contention of the petitioners is that Exts.P5 and P6 directions have been issued without any notice or hearing. The counsel further submits that if the petitioners were given an opportunity of hearing, they could have produced all the documents which have been produced now before this Court and could have convinced the respondents about the sustainability of the petitioners' claim.

3. After hearing both sides, I feel that it was only proper on the part of the second respondent to issue

notice, afford an opportunity of adducing evidence to the petitioners, hear them and pass a speaking order before issuing Ext.P5. In the above circumstances, Exts.P5 and P6 are to be quashed. I do so. I further direct the respondents to initiate fresh proceedings by issuing notice to the petitioners, affording them an opportunity to adduce evidence in support of their case, hearing them and passing a speaking order. Till such time orders are passed, the petitioners shall not be evicted from the property in question.

The writ petition is disposed of as above.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007